

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CYNTHIA L. MASTERS and TERRY W. MASTERS, individually and as the personal representatives of the estate of Christopher P. Masters,

Plaintiffs,

V.

HOUSEHOLD LIFE INSURANCE
COMPANY,

Defendant.

CIVIL ACTION

No.

NOTICE OF REMOVAL

Defendant, Household Life Insurance Company (“Defendant”), hereby removes this case pursuant to 28 U.S.C. §§ 1441 and 1446, and states as follows:

1. This case was commenced by a “Complaint for Declaratory and Other Relief” (the “Complaint”) filed in the Superior Court of the State of Delaware in and for New Castle County at No. N11C-03-054 (“the State Court Action”). The caption is designated Cynthia L. Masters and Terry W. Masters, individually and as the personal representatives of the estate of Christopher P. Masters v. Household Life Insurance Company.

2. Defendant was served with the Complaint and a Summons, Praecipe for Summons, and Superior Court Civil Case Information Statement on March 22, 2011. These are all of the process, pleading and other papers served upon or received by Defendant, and a complete copy of the foregoing is attached collectively as Exhibit "A" pursuant to 28 U.S.C. § 1446(a).

3. Defendant therefore files this Notice of Removal within thirty (30) days after receipt and service of the Summons and Complaint, which is thus timely pursuant to 28 U.S.C. § 1446(b).

4. The Complaint states that the Plaintiffs are Cynthia L. Masters and Terry W. Masters, who are natural persons residing in the State of Delaware at 134 Cazier Drive, Middletown, Delaware, and identifies them individually and as the personal representatives of the estate of Christopher P. Masters. (Complaint, Caption and ¶¶ 2-3.)

5. The Complaint avers that Christopher P. Masters was murdered in New Castle County, Delaware. (Complaint, ¶ 35.) Upon information, Christopher P. Masters resided in Delaware and was a citizen of Delaware.

6. Thus, all Plaintiffs are citizens pursuant to 28 U.S.C. § 1332 of the State of Delaware for the purpose of diversity jurisdiction.

7. Defendant is not a citizen of the State of Delaware. Defendant is a corporation incorporated in the State of Michigan with its principal place of business in Jersey City in the State of New Jersey. Thus, Defendant is a citizen pursuant to 28 U.S.C. § 1332 of the States of Michigan and New Jersey for purposes of diversity jurisdiction.

8. Accordingly, there is complete diversity of citizenship among the parties in accordance with 28 U.S.C. § 1332.

9. In addition, the Complaint purports to assert claims for a “Survival Action Under 10 Del. C. §§ 3701 and 3704” and a “Wrongful Death Action under 10 Del. C. § 3724” allegedly in connection with a \$250,000 life insurance policy. (Complaint, ¶¶ 45-66.) The Complaint seeks various monetary damages, and the matter in controversy is in excess of \$75,000, exclusive of interest and costs. (Complaint, *ad damnum*.)

10. As a result, this Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332. Diversity exists and the amount in controversy exceeds \$75,000, exclusive of interest and costs, in accordance with 28 U.S.C. § 1332.

11. Therefore, the State Court Action is subject to removal pursuant to 28 U.S.C. § 1441 to the district court of the United States for the district and division embracing the place where such action is pending.

12. The District of Delaware is the District Court of the United States within which the State Court Action is pending. Accordingly, this action is properly removed to this Court.

13. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be filed promptly with the Clerk, Superior Court of Delaware, New Castle County, and served on Plaintiffs. A copy of the Notice of Filing of Notice of Removal to be filed is attached as Exhibit B.

WHEREFORE, Defendant, Household Life Insurance Company, hereby removes the State Court Action from the Superior Court of the State of Delaware in and for New Castle County to the United States District Court for the District of Delaware.

Respectfully submitted,

/Kevin W. Goldstein/

Kevin W. Goldstein (Del. Id. No. 2967)
STRADLEY RONON STEVENS & YOUNG, LLP
300 Delaware Avenue, Suite 800
Wilmington, DE 19801-1697
Phone: 302.576.5850
Fax: 302.576.5858

Dated: April 20, 2011

Attorneys for Defendant,
Household Life Insurance Company

Of Counsel

Andrew K. Stutzman
Steven B. Davis
Neal R. Troum
STRADLEY RONON STEVENS & YOUNG, LLP
2600 One Commerce Square
Philadelphia, PA 19103
Phone: 215.564.8000
Fax: 215.564.8120